

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

The Fred and Clara Eckert	)	
Foundation for Children,	)	
	)	
Plaintiff,	)	<b>ORDER OF DISMISSAL AS TO</b>
	)	<b>DEFENDANT STAR PRODUCTION, INC.</b>
vs.	)	
	)	Case No. 4:07-cv-051
Murfin Drilling Company, Inc.,	)	
Star Production, Inc., and John M.	)	
Cockrell,	)	
	)	
Defendants.	)	

---

On September 12, 2007, the plaintiff, the Fred and Clara Eckert Foundation for Children, filed a notice of voluntary dismissal of defendant Star Production, Inc. See Docket No. 5. Rule 41(a)(1) of the Federal Rules of Civil Procedure provides that “an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs . . . .” The record reveals that no defendant has filed an answer or a motion for summary judgment prior to the filing of this motion for dismissal. Therefore, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the Court **ORDERS** that the above-entitled action be dismissed with prejudice only as to defendant Star Production, Inc.

Dated this 13th day of September, 2007.

/s/ Daniel L. Hovland  
Daniel L. Hovland, Chief Judge  
United States District Court